

Carlos Hernández
Mayor

Luis Gonzalez
Council President

Katharine E. Cue-Fuente
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Isis Garcia-Martinez
Paul B. Hernández
Lourdes Lozano

City Council Summary Agenda/Minutes January 24, 2017 7:00 P.M.

Call to Order - **Council President Gonzalez called the meeting to order at 7:11 p.m.**

Roll Call - **City Clerk, Marbelys Fatjo, called the roll with the following Council Members present:**

- Council President Gonzalez
- Councilman Jose Caragol
- Councilwoman Vivian Casáls-Muñoz
- Council Vice President Cue-Fuente
- Councilman Paul Hernandez
- Councilwoman Lourdes Lozano

Council Members Absent:

- Councilwoman Isis Garcia-Martinez

Also present were:

- Mayor Carlos Hernandez
- Lorena Bravo, City Attorney

Invocation - **Marbelys Fatjo, City Clerk, led the invocation.**

Pledge of Allegiance – **Council President Gonzalez led the Pledge of Allegiance.**

Meeting Guidelines

The following guidelines have been established by the City Council:

➤ **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.

- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

REPORT: The meeting guidelines were read into the record by the City Clerk in English, and by Lisette Perez, Administrative Aide, Office of the City Clerk, in Spanish.

Presentations –

1. Announcement of Amendments/Corrections to the Agenda – **None.**
2. Consent Agenda-

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

REPORT: Motion to Approve the Consent Agenda made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed (6-0-1) with Councilwoman Garcia-Martinez absent.

- A. Request permission to approve the minutes of the City of Hialeah Council Meeting held on January 10, 2017. (OFFICE OF THE CITY CLERK) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent.**
- B. Request from the Church of St. Benedict, located at 701 West 77th Street, Hialeah, Florida 33014, for a carnival permit, to host the church's annual festival on church grounds, from Thursday, February 23, 2017 to Sunday, February 26, 2017, in accordance with recommendations from the Police and Fire Departments. (OFFICE OF THE CITY CLERK) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent.**
- C. Request permission to utilize City of Miami Contract # 291272(17) – *OEM Parts, Engine and Transmission Repairs to City of Miami Vehicles and Equipment*, a competitively bid governmental contract, and issue a purchase order to Metro Ford, Inc., to purchase parts and accessories, in a total cumulative amount not to exceed \$30,000. (FLEET MAINTENANCE DEPT.) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent.**
- D. Request permission to increase purchase order # 2016-1430, issued to R.J Behar & Company, Inc., a vendor recommended by the City's Selection Committee in 2010 for engineering services and approved by the City Council on June 8, 2010, since it is advantageous to the City, for the design of West 76 Street from West 36th Avenue to Hialeah Gardens Boulevard, by an additional amount of \$15,135.95, for a new total cumulative

amount not to exceed \$65,173.95. (STREETS DEPT) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent.**

- E. Request permission to utilize Miami-Dade County Bid No. 3143-9/18-9 – *Gasoline and Diesel Fuel Pre-Qual*, a competitively bid governmental contract, and increase purchase order # 2017-797, issued to Mansfield Oil Company of Gainesville, Inc., since it is advantageous to the City, to purchase gasoline and diesel for City of Hialeah vehicles and equipment, by an additional amount of \$600,000, for a new total cumulative amount not to exceed \$631,191.89. (FLEET MAINTENANCE DEPT.) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent.**
- F. Request permission to waive competitive bidding, since it is advantageous to the City, and increase the contract amount for the JFK Library decorative concrete topping for exterior walkways, awarded to Unique Concrete System Corp., by an additional amount of \$9,750, due to unforeseen conditions and additional areas that were not included in the original scope of work, for a total cumulative amount not to exceed \$54,375. On October 11, 2016 the City Council approved awarding the decorative concrete topping for exterior walkways for the JFK Library to this vendor in a total amount of \$44,625. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent.**
- G. Proposed resolution providing for a placard to be placed upon the wall in Council Chambers with the words “In God We Trust”. (COUNCILWOMAN LOZANO) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent. RESOLUTION NO. 2017-003.**
- H. Proposed resolution authorizing the Insurance Committee to review and authorize settlement of claims, in an amount not to exceed three hundred thousand (\$300,000.00) dollars, in order to more efficiently administer the self-insurance program of the City of Hialeah. (RISK MANAGEMENT) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent. RESOLUTION NO. 2017-004.**
- I. Proposed resolution increasing the number of Insurance Committee Members from five to six; repealing all resolutions or parts of resolutions in conflict herewith; and providing for an effective date. (RISK MANAGEMENT) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent. RESOLUTION NO. 2017-005.**
- J. Request permission to approve the appointment of Hillah Sara Mendez, Police Legal Advisor, to the City of Hialeah Insurance Committee. (RISK MANAGEMENT) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent.**
3. First reading of proposed ordinance amending Article II. Local Business Tax in Chapter 86 “Taxation and Fees” of the Code of Ordinances to repeal and rescind Hialeah Code § 86-51 entitled “Termination of Business Tax Receipt on Notice of Bankruptcy” and reserving the code section number for convenience; providing for a severability clause; and providing for an effective date. (LICENSE DIV.) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent. Second reading and public hearing is scheduled for February 14, 2017.**

Item was approved by the City Council on first reading on January 24, 2017. Second reading and public hearing was scheduled for February 14, 2017.

REPORT: Motion to Approve Item 3 made by Councilwoman Casáls-Muñoz, and seconded by Council Vice President Cue-Fuente. Motion passed (6-0-1) with Councilwoman Garcia-Martinez absent.

4. First reading of proposed ordinance amending Article II. Local Business Tax in Chapter 86 “Taxation and Fees” of the Code of Ordinances to repeal and rescind the longevity exemption codified at Hialeah Code § 86-40(d) entitled “Exemption”; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (LICENSE DIV.) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent. Second reading and public hearing is scheduled for February 14, 2017.**

Item was approved by the City Council on first reading on January 24, 2017. Second reading and public hearing was scheduled for February 14, 2017.

REPORT: Motion to Approve Item 4 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed (6-0-1) with Councilwoman Garcia-Martinez absent.

5. First reading of proposed ordinance repealing and rescinding Subdivision IV in Chapter 98 entitled “Zoning”, Article VI, Division 12 of the Code of Ordinances of the City of Hialeah, Florida and replacing it with a new Subdivision IV entitled “Wireless Telecommunications Towers and Antennas” to update provisions for the placement of Wireless Telecommunications Towers and Antennas; providing for enforcement and administration; providing for reservation of rights; providing for a severability clause; repealing all ordinances or parts of ordinances in conflict herewith; providing for a savings clause; providing penalties for violation hereof; providing for inclusion in code; and providing for an effective date. (ZONING) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent. Second reading and public hearing is scheduled for February 14, 2017.**

Item was approved by the City Council on first reading on January 24, 2017. Second reading and public hearing was scheduled for February 14, 2017.

REPORT: Scott Robin Esq., retained by the City, addressed the City Council on this item.

REPORT: Motion to Approve Item 5 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed (6-0-1) with Councilwoman Garcia-Martinez absent.

6. First reading of proposed ordinance repealing and rescinding Article V entitled “Management of Rights of Way” in Chapter 86 Taxation and Fees, of the Code of Ordinances of the City of Hialeah, Florida and creating a new Article VI entitled “Communications Services Regulations” in Chapter 82 streets, sidewalks and other public places to provide for the placement and maintenance of communications facilities or systems, antennas, equipment facilities, poles and other vertical structures of similar height in the City’s rights-of-way for the provision of communications, cable and video services; providing for enforcement and administration; providing for reservation of rights; providing

for a severability clause; repealing all ordinances or parts of ordinances in conflict herewith; providing for a savings clause; providing penalties for violation hereof; providing for inclusion in code; and providing for an effective date. (STREETS) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent. Second reading and public hearing is scheduled for February 14, 2017.**

Item was approved by the City Council on first reading on January 24, 2017. Second reading and public hearing was scheduled for February 14, 2017.

REPORT: Motion to Approve Item 6 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed (6-0-1) with Councilwoman Garcia-Martinez absent.

7. Board Appointments – **None**

8. Unfinished Business – **None**

9. New Business –

- **Frank De La Paz, 10655 SW 113 Place, Miami, addressed the City Council regarding a tower on Palm Avenue.**

10. Comments and Questions –

- **Mayor Hernandez recognized Romelio Reyes who was present. The Mayor also invited all to the Jose Marti celebrations beginning on Friday, January 27, 2017.**
- **Angolie Gallo, 800 West 74 Street, Hialeah, Florida, addressed the City Council regarding a code violation.**

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

REPORT: All were duly sworn in.

- PZ 1. Second reading and public hearing of proposed ordinance granting a variance permit to allow a landscape buffer of 5.7 feet, where 7 feet are required; to allow 8 parking spaces, where 9 spaces are required; a rear setback of 13.7 feet, where 20 feet are required; a west side yard setback of 6.3 feet, where 10 feet are required; all contra to Hialeah Code of Ordinances §§ 98-2189(19)(b), 98-590, 98-591; and §D(7) of the latest edition of the City of Hialeah Landscape Manual to construct a 4-unit building. **Property located at 486 East 30 Street, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: David Ortiz as

*representative, 100 South Point Drive, Suite 2702, Miami Beach, Florida 33139) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent. ORDINANCE NO. 2017-002.***

<i>Item was approved by the City Council on first reading on January 10, 2017. Second reading and public hearing was scheduled for January 24, 2017.</i>
<i>Planner's Recommendation: Approval</i>
<i>Item was approved by the Planning and Zoning Board on December 28, 2016.</i>
<i>Owner(s) of the Property: Miami Rental Partners L.L.C. Nancy V. Ortiz, Managing Member Monica Otero, Managing Member David Ortiz, Project Manager and Owner Representative</i>

REPORT: Motion to Approve Item PZ 1 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed (6-0-1) with Councilwoman Garcia-Martinez absent.

- PZ 2. First reading of proposed ordinance rezoning property from R-1 (One Family District) to RO (Residential Office District) according to the site plan dated October 17, 2016; and granting a variance permit to allow a lot area of 6,391 square feet (7,500 square feet required); a lot width of 50 feet (75 feet required); allow a handicapped parking space in the front setback (parking allowed in rear only); allow a 10 foot wide two-way driveway (20 feet required); allow a 5 foot landscape buffer at the front property line (7 foot required); all contra to Hialeah Code of Ordinances §§ 98-779, 98-782, 98-2188(a)b.; and § D(7) of the latest edition of the City of Hialeah Landscape Manual to construct a 1,307 square foot office; **property located at 540 E 49th Court Hialeah, Florida.** Providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Alejandro Vilarello, P.A., 16400 NW 59 Avenue, 2nd Floor, Miami Lakes, FL 33134, on behalf of LAJO Construction Corp.) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent. Second reading and public hearing is scheduled for February 14, 2017.**

<i>Item was approved by the Planning and Zoning Board on January 11, 2017.</i>
<i>Planner's Recommendation: Approval</i>
<i>Owner of the property: LAJO Construction Corp., 8561 SW 5th Street, Miami, Florida 33144</i>

REPORT: Motion to Approve Item PZ 2 made by Council Vice President Cue-Fuente, and seconded by Councilwoman Casáls-Muñoz. Motion passed (6-0-1) with Councilwoman Garcia-Martinez absent.

- PZ 3. First reading of proposed ordinance granting a variance permit to allow 55 parking spaces (101 parking spaces required); contra to Hialeah Code of Ordinances § 98-2189(16)a., b., and c., to construct a 41-unit mixed use building; located in the NBD (Neighborhood Business District), area 5, zoned C-2 (Liberal Retail Commercial). **Property located at 467-489 East 9 Street, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Ceasar

Mestre, Jr. Esq., 7600 West 20th Avenue, # 220, Hialeah, Florida 33016, as representative)
APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent. Second reading and public hearing is scheduled for February 14, 2017.

Registered Lobbyist: Ceasar Mestre, 7600 West 20 Avenue, Suite 220, Hialeah, Florida 33016.

Item was approved with conditions by the Planning and Zoning Board on January 11, 2017.

Planner's Recommendation: Approve with conditions

*Owners of the property: Salvador Vega, P.O. Box 660494, Miami Springs, FL 33266
 Robert and Margaret Smith, 400 Eastward Drive, Miami Springs, FL 33166*

REPORT: Motion to Approve Item PZ 3 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Hernandez. Motion passed (6-0-1) with Councilwoman Garcia-Martinez absent.

FINAL DECISIONS

- FD 1. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2016-13 that granted an adjustment on the property located at **309 East 17 Street, Hialeah, Florida**; and providing for an effective date. (*Applicant: Orlando Cordoves, 309 East 17 Street, Hialeah, Florida*) **APPROVED (6-0-1) with Councilwoman Garcia- Martinez absent. RESOLUTION NO. 2017-006.**

Planner's Recommendation: Approval with Conditions

Item was approved by the Planning and Zoning Board on December 14, 2016.

REPORT: Motion to Approve Item FD1 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed (6-0-1) with Councilwoman Garcia-Martinez absent.

- FD 2. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2016-14 that granted an adjustment on the property located at **5470 West 10th Court, Hialeah, Florida**; and providing for an effective date. (*Applicants: Emigdio Millan and Esmeraldo C. Millan, 5470 West 10th Court, Hialeah, Florida*) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent. RESOLUTION NO. 2017-007.**

Planner's Recommendation: Approval with conditions.

Item was approved by the Planning and Zoning Board on December 28, 2016.

REPORT: Motion to Approve Item FD2 with conditions made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed (6-0-1) with Councilwoman Garcia-Martinez absent.

REPORT: Meeting was adjourned by Council President Gonzalez at 7:43 p.m.

NEXT CITY COUNCIL MEETING: Tuesday, February 14, 2017 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, February 28, 2017 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).